

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AUG 13 2008

PINNACLE FITNESS AND RECREATION)
 MANAGEMENT, LLC, a Delaware limited liability)
 company Plaintiff)
)
 vs.)
 THE JERRY AND VICKIE MOYES FAMILY TRUST,)
 an Arizona trust, et al.)
)
 Defendant)

Case No. 08 CV 1368 W POR

PRO HAC VICE APPLICATION

Pinnacle Fitness and Recreation Management

Party Represented

I, Joseph L. Fogel hereby petition the above entitled court to permit
(Applicant)

me to appear and participate in this case and in support of petition state:

My home address: 332 Grant Place
 City, State, ZIP: Park Ridge, IL 60068
 Phone number: (847) 292-0120

My firm name: Freeborn & Peters LLP
 Street address: 311 South Wacker Drive, #3000
 City, State, ZIP: Chicago, IL 60606
 Phone number: (312) 360-6568

That on November 6, 1986 I was admitted to practice before
the Supreme Court of Illinois; and am currently in good standing and eligible to practice
 in said court:

That I am not currently suspended or disbarred in any other court.

That I (have) (have not) concurrently or within the year preceding this application made any pro hac
 vice application to this court.

(If previous application made, complete the following)

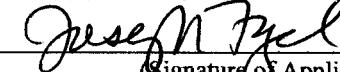
Title of case _____

Case number _____ Date of application _____

Application granted denied

I declare under penalty of perjury that the foregoing is true and correct.

Freeborn & Peters LLP



(Signature of Applicant)

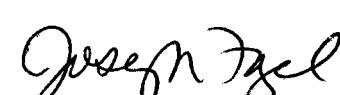
Joseph L. Fogel

DESIGNATION OF LOCAL COUNSEL

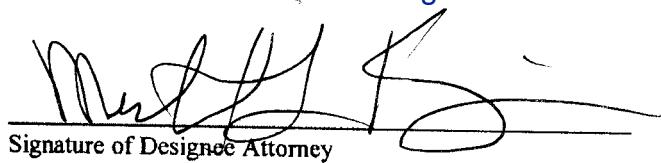
I hereby designate the below named as associate local counsel.

Michael L. Kirby
Kirby Noonan Lance & Hoge, LLP (619) 231-8666
 (Name) (Telephone)

350 Tenth Avenue, 13th Floor San Diego 92101-8700
 (Street) (City) (Zip code)


 Signature of Applicant
 Joseph L. Fogel

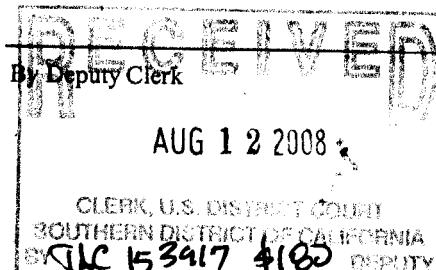
I hereby consent to the above designation.



Signature of Designee Attorney

The pro hac vice application is hereby approved for filing.

W. Samuel Hamrick, Jr.
Clerk of Court



Received \$180.00 for Court Library fee

Deputy Clerk

Pro Hac Vice (For this one particular occasion)

An attorney who is not a member of the California State Bar, but who is a member in good standing of, and eligible to practice before, the bar of any United States Court or of the highest court of any State or of any Territory or Insular possession of the United States, who is of good moral character, and who has been retained to appear in this Court, be permitted to appear and participate in a particular case. An attorney is not eligible to practice pursuant to this paragraph if any one or more of the following apply to him/her: (1) he/she resides in California, (2) he/she is regularly employed in California, or (3) he/she is regularly engaged in business, professional, or other activities in California.

The pro hac vice application shall be presented to the Clerk and shall state under penalty of perjury (1) the attorney's residence and office address, (2) by what court he/she has been admitted to practice and the date of admission, (3) that he/she is in good standing and eligible to practice in said court, (4) the he/she is not currently suspended or disbarred in any other court, and (5) if he/she has concurrently or within the year preceding his/her current application made any pro hac vice application to this court, the title and the case number of each matter wherein he made application, the date of application, and whether or not his/her application was granted. He/She shall also designate in his application a member of the bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers shall be served. He/She shall file with such application the address, telephone number, and written consent of such designee.

Fee: \$180.00, payable to Clerk, U.S. District Court

Application and fee should be mailed directly to:

W. Samuel Hamrick, Jr., Clerk
United States District Court
Southern District of California
880 Front Street Suite 4290
San Diego, California 92101-8900